

**PRIVATE SECURITY ADVISORY COMMITTEE
MINUTES
MADISON, WISCONSIN
SEPTEMBER 25, 2001**

PRESENT: Dennis Brewer, Dejustice Coleman, Mark Harder, Matt Elliott, Edward Byrne, James Mankowski, Shawn Smith, William Meloy, and James Martin

EXCUSED: Byron Bishop, Mark Kirch, and Mark Riesinger

STAFF PRESENT: Clete Hansen; Secretary Oscar Herrera, William Black, Legal Counsel, and Ralph Draeger, Investigator, for a portion of the meeting

GUESTS: Tom Sipin

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Clete Hansen, Chair.

Clete Hansen welcomed Committee members, and explained why so many months occurred since the last meeting.

AGENDA

MOTION: Edward Byrne moved, seconded by William Meloy, to approve the agenda, as written.

MINUTES (11/25/00)

MOTION: Mark Harder moved, seconded by James Mankowski, to approve the minutes, as written.

ADMINISTRATIVE REPORT

Secretary Oscar Herrera

Secretary Herrera informed the Committee about several biennial budget items that affect the Department. He said that a 5% cut in state budgets did not affect the Department's operations, because the Department has a reserve fund. The Department received three positions in DOE. Secretary Herrera also said that provisions pertaining to closing agents, the membership of the Pharmacy Examining Board, and a cemetery management

fund were vetoed. The Department had requested the vetoes. Secretary Herrera invited questions, but there were none.

Bureau Director's Report

- **Roster**

Committee members, Meloy, Brewer, Elliott, Smith, Harder and Martin, provided additional information or corrected the roster information pertaining to them. Noted.

- **Meeting Dates**

The next Advisory Committee meeting will be held on January 10, 2002.

- **Motions Passed By the Committee**

Clete Hansen provided an updated list of Committee motions. The list included the motions from the November 2000 meeting.

- **To-Do List**

Clete Hansen informed the Committee that he has not contacted the International Association of Chiefs of Police for firearms instructor training courses, because he wants to discuss this suggestion with the Firearms Subcommittee.

UPDATE ON PROPOSED STATUTORY CHANGES

Clete Hansen gave the Committee copies of those pages from the Biennial Budget Act that show the revised fees for private security personnel and private detective agencies. He also gave the Committee a page that shows the increase in fees, resulting from the additional fee for CIB records checks and the original permit fee increase.

Clete Hansen provided the Committee with other documents that show what happened with various requests for statutory revisions, as suggested by the Committee. He informed the Committee that the Department's Executive Assistant and Legislative Liaison, Myra Shelton, agreed to pull all of the statutory proposals relating to private security and private detectives into one bill. Hansen said that the Department would try to get this passed during the current legislative session. These proposals relate to "direct or indirect employment," separation of the private detective agency license from the private security company license, renumbering of sections in s. 440.26 and new titles for subsections, and the term of temporary permits.

Mark Harder suggested that the initial permit should be issued for a full 2-year period.

Clete Hansen also gave Committee members a document that described the private security issues that are in the bill being prepared by the Legislative Law Revision Committee.

UPDATE ON PROPOSED ADMINISTRATIVE RULES

Clete Hansen reviewed the issue that an individual who wishes to be a firearms instructor under department rules, must be certified as a National Rifle Association (NRA) firearms instructor or approved by the Training and Standards Bureau as a firearms instructor. Mr. Hansen explained that a stop-gap measure has been created in a rule proposal to include people who had been certified by the NRA or approved by the Training and Standards Bureau at any time since 1995 and who have received a 6-hour refresher course from regional vocational/technical schools approved by the Training and Standards Bureau as firearms instructors, because after January 1, 2001, the Training and Standards Bureau will no longer approve as firearms instructors persons who do not provide firearms instruction to law enforcement officers. Hansen pointed out that the relatively new rules still do not quite accomplish what was intended. He advised that serious consideration should be given to approving an individual who has received a firearms instructor course offered by one of the vocational/technical schools or by other qualified persons. He indicated that this would require a rule change.

Clete Hansen gave Committee members a copy of a Scope Statement, relating to revising rules for approval of firearms certifiers and relating to accepting firearms training for former Wisconsin police officers. The Committee acknowledged the intent of the changes, but took no formal action on the Scope Statement. The Committee acknowledged that the next step in the process is to have the Firearms Subcommittee review these matters and make recommendations.

The Committee informally reconfirmed its motion of several meetings ago, recommending that the Firearms subcommittee should develop a revised firearms program to include the five steps of the force option continuum. Shawn Smith proposed that there should be two separate courses and certifications (firearms and DAAT). Jim Mankowski suggested that the DAAT training should be completed before the firearms course. Matt Elliott said the DAAT training course could be modified or the POSC course that is given to corrections officers could be used. Tom Sipin said that the Wisconsin Department of Justice tried to cross-train 250 people a couple of years ago. Bill Meloy suggested that perhaps 20-22 hours of DAAT training apply to private security personnel. Ed Byrne suggested that the Department approach the American Society of Industrial Security to see whether they would like to develop a training course. Dejustice Coleman said that the emphasis of the firearms training should be on shooting a firearm, not DAAT training. Matt Elliott said that the Department should have its own approved trainers, separate from the Training and Standards Bureau. He said that the DNR decided to have their own DAAT training. While discussing the Department's rule regarding a provision in a written contract between a client and a private security company, regarding armed guards, Shawn Smith suggested that the Department should not micromanage. Such matters are up to the client and the private security company.

Jim Mankowski suggested that the Department should enforce the rule concerning a provision in the contract.

EDUCATION AND TRAINING OF PRIVATE SECURITY PERSONNEL

Bill Meloy gave Committee members a copy of a resolution of the Wisconsin Chiefs of Police Association, endorsing the concept of minimum mandatory training requirements for all security personnel and especially for security personnel licensed by the State of Wisconsin. This resolution was dated August 15, 2001. Mr. Meloy thanked several Committee members for their assistance in regard to this matter.

Clete Hansen informed Committee members that Legal Counsel has reviewed s. 440.26 (2) (c), Stats., and concluded that this provision permits the Department to impose pre-license education on private detectives, but not private security personnel. Hansen said that he will attempt to have this subsection revised in a bill draft that will be prepared, as mentioned above.

The Committee did not have time to discuss ways to report compliance and accountability with regards to minimum training for private security personnel.

SURVEY RESULTS

Clete Hansen gave Committee members a copy of the results of a survey that was in the last issue of the Regulatory Digest. Committee members noted that the one question that particularly pertains to private security pre-license education had 12 responses in favor of the proposal and 12 responses opposing.

QUALIFICATIONS OF PRIVATE SECURITY PERSONNEL

Clete Hansen stated that the private security industry attracts a lot of people who have had criminal convictions. He said that this might be the case, because there is no pre-license education and no pre-license exam.

REPORT TO THE DIVISION OF ENFORCEMENT

Ralph Draeger, an investigator in the Division of Enforcement, reported on the types of cases he and his colleagues have been investigating as of late. The three primary types of cases are: employing unlicensed private security personnel, not reporting convictions within 48 hours, and providing false statements on applications for an initial permit and the renewal of a permit.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

- **Record Check News**

Clete Hansen gave Committee members a copy of the Record Check News, published by the Wisconsin Department of Justice. The Committee briefly discussed the movement toward electronic fingerprints.

- **Law Enforcement Standards Board Firearms Certification**

The Committee noted a letter from the Department of Justice, regarding certification of firearms instructors.

- **Badges, Patches and Use of “Police.”**

Brief discussion, but no action. Ed Byrne suggested that counties ought to adopt by reference the state law regarding uniforms.

- **Private Security Personnel Working for More Than One Agency**

No discussion.

ADJOURNMENT

MOTION: Jim Mankowski moved, seconded by Shawn Smith, to adjourn the meeting at 11:55 a.m.